Below copy of letter No. F. 36(1) - SE/54, dated the 29th April 1954 from the Government of India, Ministry of Rehabilitation, New Delhi. 1st May

.....

No. HS 5254/16760 - B
Rehabilitation Department
Secretariat (Annexe), Fort,
Bombay (1), 10th May 1954.

Forwarded withcompliments to:-

1) The Collector of Bombay Suburban District/Baroda/ Poona/Kolhapur/ Ahmedabad / Surat / East Khandesh/ West Khandesh / Nasik / Ahmednagar / Sholapur.

ii) The Administrator, Ulhasnagar Township / Sardarnagar Township.

iii) All Officers in - charge, Displaced persons Townships and colonies.

in continuation of Government Circular, Rehabilitation Department, No. HS 4365-B, dated the 6th May 1954 for information and guidance.

It should be noted that in all cases of transfer of houses/tenements, the balance of the purchase price of the house /tenement, if any, will be recovered either in lump sum or in instalments over a period not exceeding three years, in lieu of 20 years prescribed under Government Resolution, Rehabilitation Department, No. R315/2678-B, dated the 27th February 1953 and the necessary agreements and the necessary should be got executed accordingly.

In order to ensure that the policy laid down by the Government of India is implemented in a proper manner, all the officers concerned are requested to work in close cooperation with the Regional Settlement Commissioner or his officers.

By order and in the name of the Governor of Bombay.

(N.N.Jani)
Assistant secretary to the Government of Bombay,
Rehabilitation Department.

X.D.
1/6.

REGISTERED.

No. F. 36(1) - SB / 54.
Government of India,
Ministry of Rehabilitation

New Delhi, the 29th April 1954.

From

Shri M.L. Puri,
Under Secretary to the
Government of India.

To

1. The Chief Secretary to the Government of Bhopal.
2. " " " Bombay, Bombay.
3 " " " Kutch, Bhuj.
4. " " " Madhya Pradesh, Nagpur.
5. " " " PEPSU, Patiala.
6. " " " Uttar Pradesh, Lucknow.
7. " " " Punjab Chandigarh.

Subject:- Quasi-permanent allotment of Government property to displaced persons under the Interim Compensation Scheme.

Sir,

I am directed to say that the Interim Compensation Scheme, communicated to the State Governments in this Ministr's letter No.F. 9(27) SB/53, dated the 18th November 1953, contemplates conferment of quasi permanent ownership right's on claiments who are in occupation of Government built properties. This letter deals with some questions arising out of the proposed transfer of residential houses. Shops are not to be transf rred at present and decisions regarding them will be issue in due course.

2. Valuation. Valuation is being done through the Deputy Technical Adviser of the Ministry of Rehabilitatic Executive Engineers working under his directions visit the colony concerned, collect from the State Public Works Department Officers and district officers data about cost of acquisition of site and its development building costs and condition of the properties, etc. and assess the value at which each individual property is to be transfered to the claimant or occupant. The values are then finalised by the Rehabilitation Ministry in consultation with the State Government. Normally the actual cost of development and superstructure (less depreciation in the case of houses for which semi-permanent or temporary specifications have been used) is taken, but the plot is assed at its market value on the basis of transfer of free hold rights.

Properties sold on instalment basis.

3. In these cases certain commitments have been generally made as to the purchase price and the mode of payment. Fresh valuation of these properties

contd.....

K.D.
1/6.

is not contemplated, the net interim compensation will be settled off against the balance of the purchase price as originally agreed upon. If the interim compensation is equal to or in excess of the purchase price still remaining unpaid the ownership (full and not quasi-permanent) will pass to the displaced person. If a balance of the purchase price is left over after making the adjustment revised instalments will be worked out for payment of the balance and intimated to the purchaser. The period of recovery will not exceed three years. The new instalments will take into account the reduction in interest charges as a result of the curtailment of the period of payment. On the payment of the balance purchase price in lump sum or instalments the claimant will become the owner of the property.

4. If person is not agreeable to the adjustment of his net compensation against the balance of the price of the house paym ent of compensation to him would be postponed till the last. He would , therefore, have the option of having the adjustment carried out now or continue on the present terms of instalments. Since alteration in the present terms of sale is to be on voluntary basis it follows that if the price of the property was originally on the basis of leasehold of the site, and if it proposed to convert it into freehold resulting in increase of the price payable the consent of the instalments purchaser will be necessary.

Claimants occupying properties on monthly rent.

5. They will be informed of the value of the house as determined by the Ministry of Rehbilitation in consultation with the State Government. It will not be open to them to question this valuation . The various types of cases will be dealt with as follows:-

(i) If the net interim compensation due to a person is equal to or more tha the value of the house quasi permanent rights (not full ownership) will be transferred to him and the balance of net compensation if any paid to him in cash.
(ii) If thevalue of the house exceeds the net interim compensation due payment of compensation will be only in the form of the house and the difference will be ~~recoiv~~ recovered in lump sum or in instalments over a period not exceeding three years. If the claimant occupant does not accept transfer of the house on those conditions he will be offered the following alternatives:---

(a) He will be permitted to adjust the difference against the compensation due on verified claims of his relatives of friends,

(b). He will be offered a cheaper house, if an available, if he agrees to pay the difference in lump sum or in instalments over a period not exceeding three years or if he agrees to have the difference adjusted against the compensation due on the verified claims of his friends or relatives.

If none of these alternatives is acceptable to the claimant occupant, Government will be free to dispose of the house occupied by him by sale or allotment.

Terms of quasi permanent allotment.

6. Quasi permanent allotment of Government built properties will be on the following terms ----

Contd.....

K.D.
1/6.

(a) The allottee will hold and enjoy the property without disturbance unless there is a breach of conditions of allotment and in due course when it becomes possible, full and final rights of ownership will be conferred on him.

(b) The allottee may make additions and alterations after ontaining the previous permission of the authority prescribed by the Ministry of Rehabilitation or the State Government.

(c) No rent will be charged with effect from the 1st November, 1953.

(d) The allottee will be responsible for the safety and proper maintenance and repair of the property.

(e) He will be liable for payment of house and any other taxes.

Sale mortgage or lease of the property will not be permissible and the allotment will be cancelled---

(1) if the allottee is found to have made a false declaration or statement in the applicationfor compensation or in the course of scrutiny thereof or have committed fraud in obtaining allotment of the property, or

(2) if he fails to discharge his obligation as described in (d) and (e) above; or

(3) if he fails to pay timely instalments of the balance of the price of the house due from him.

7. A transfer deed will be drawn up and executed by the authorised officer of the State Government and the claimant.

8. It is estimated that a fair proportion of the houses would be transferred to claimant displaced person in the manner indicated above and the liability of the state Government for the repayment of the loan given by it for building the houses in question, reduced to the extent of the value of the houses transferred. It is realised that the houses occupied by non claimants may remain untransferred. The manner of their disposal will be considered in due course when the extent of this problem is known for each colony.

9. Since the properties werebuilt by the State Governments o ut of funds advanced to them by the Central Government it is contemplated that there should be close cooperation at all stages between the Regional settlement Commissioners of this Ministry and the of icers of the State Government concerned in transferring the properties to claimants. It is proposed to proceed with transfer of properties as explained in this letter, but if the State Government have any suggestions to make they may kindly be intimated before the 15th May 1954.

An acknowledgement is requested.

Yours faithfully,

Sd/- (H.L. Puri)
Under Secretary to the Government of India.

X.D.
1/6.

Below copy of a letter No. F. 9(27) - SB/53, dated the 18th November 1953, from the Government of India, Ministry of Rehabilitation, New Delhi.

No. RS 3953 / 46682-B
Rehabilitation Department,
Secretariat (Annexe), Fort,
Bombay, 3rd December, 1953.

Forwarded with compliments to:-

(1) The Custodian of Evacuee Property, Bombay.

(2) All Collectors.

(3) The Deputy Custodian of Evacuee Property, Bombay.

(4) The Administrator, Ulhasnagar Township/Sardarnagar Township.

(5) The Chairman, Advisory Committee for the Welfare of displaced Women, Bombay.

(6) Officers in Charge of all the Displaced Persons Colonies and Townships

for information and guidance in continuation of Government Endorsement, Rehabilitation Department, No. CIM 1153-46127(A) -C of even date.

The scheme for the payment of interim compensation and rehabilitation grants is confined only to displaced persons of priority categories and whose claims for property left in West Pakistan have been verified under the Displaced persons (Claims) Act, 1950 and will be implemented by the Regional Settlement ~~sanctioned~~ Commissioner, Bombay in the Bombay State.

The priority categories of displaced persons having verified claims who are entitled to get interim compensation and rehabilitation grants under the Interim Compensation Scheme sanctioned by The Government of India are as follows:-

(a) Widows, old and infirm persons in receipt of maintenance allowance;

(b) Inmates of Women's Homes and Infirmaries and unattached women and children aged and infirm persons in receipt of gratuitous relief outside Homes;

(d) Persons living in the Ulhasnagar and Sardarnagar Townships, Waroshia, Pimpri and Vellvade Colonies.

(c) Others widows with claims in their own names and

The displaced persons belonging to categories (a) (b) and (c) if they are living in Government or evacuee houses and those belonging to category (d) will with effect from the 1st November 1953, hold the property free of rent but will be responsible for its repair and maintenance and for the payment of house and other taxes. In their cases the arrears of rent due from them upto the 31st October 1953 and other Government dues (e.g. Jhuna etc.) will be determined for being deducted out of the compensation and rehabilitation grant, if any, due to them. The balance of interim

compensation.....

K.D.
1/6.

compensation and rehabilitation grant, if any, after taking into account the value of the house, willbe paid in cash after deductiong Government dues -e.g. arrears or rent, loans, etc.

The above concessions will be given only to the displaced persons belonging to the priority categories whose compensation and rehabilitation grant under the Interim Scheme, after deduction of all dues calculated upto upto the 31 October 1953 are not appreciably less than the assessed market value of the property concerned. The necessary scrutiny of the circumstances of each case before the grant of concessions is being made by the Regional Settlement Commissioner, and Settlement Officers under the Government of India, Ministry of Rehabilitation. They will intimate to the appropriate authorities of the State Government and the Custodians, the names of persons from whom recovery of rent and other dues may be discontinued from the 1st November 1953 and the amount of arrears of rentand other dues (loans etc.) which will deducted from the individual's compensation. Pending receipt of these instructions, the Officers concernod are requested that the persons belonging to these priority categories may not be pressed for rent and Convenience Charges, provided the value of the house is well within the amount due to him. The details regarding the scales of compensation etc. are being communicated separately. This concession, however, does not apply to displaced persons with verified claims who do not come under the priority categories.

The

By order and in the name of the Governor of Bombay.

(J. C. FERNANDEZ).

Assistant Secretary to the Government of Bombay, Rehabilitation Department.

Copy forwarded with compliments to:-

The Regional Settlement Commissioner, Bombay,

The Finance Department,

The Accountant General, Bombay,

for information.

Copy of a letter No. F.9(27-SB/53, dated the 18th November 1953, from the Government of India, Ministry of Rehabilitation, New Delhi.

I am directed to state the Interim Compensation Scheme for the priority categories of displaced persons whose claims have been verified under the Displaced Persons (Claims) Act, 1950, which has been communicated to you with my letter No.F.9(27)-SB/53, dated the 18th November, 1953, contemplates what may be described as quasi permanent settlement of Government built and evacuee property. Persons to whom such allotments are made will with effect from the 1st November, 1953, hold the property free of rents, but will be responsible for its repair and maintenance and for the payment of house and other taxes. The arrears of rent due from persons to whom such allottments are made together with other Government dues (e.g. loans etc.) will be determined upto the 31st October, 1953, and deducted out of the compensation and rehabilitation grant if any due to these persons. A formal deed is being drafted and will be entered into with every person to whom a Government built or evacuee house is allotted under the present scheme.

2. It should be noted that the concessions mentioned in paragraph 1 will be given only to thosepersons belonging to the priority categories whose compensation and rehabilitation grant under the Interim Scheme after deduction of all dues calculated upto the 31st October 1953, are not appreciably less than the assessed market value of the property concerned. Scrutiny of the circumstances of each case will therefore, be necessary before the concessions are given. This scrutiny is being made by the Regional Settlement Commissioner s and Settlement Officers under this Ministry. They have collected information regarding the outstanding dues of each applicant and are checking up the assessed value of his claim. They will also be supplied with theassessed value of his claim. They will also be supplied with the assessed market values of the properties.

X.D.
5/6.

On the basis of all this material they will intimate to the appropiate authorities of the State Governments and the Custodians the names of persons from whom recovery of rent and other dues may be discontinued from the 1st November, 1953 and the amount of arrears ofrent and other dues which will be deducted fr om the individual's compens tions and rehabilitation grant. Pending receipt of these instructions the persons belonging to these priority categories should not be pressed for rental and other Government dues provided the value of the house is well within the amount due to him.

3. Verification of dues by Settlement Officers has been in progress for some time and in some cases they may have verified them as on a date earlier than the 31st October, 1953. The avoid delay in t the payment of interim compensation and rehabilitation grant the dues accruing between the date upto which verification hasalready been made and the 31st October 1953 , will be deducted from the final instalment of the compensation and rehabilitation grant.

4. The procedure for affording credit to the appropriate authorities in respect of the amounts deducted by the Regional Settlement Commissioner from the Compensation and rehabilitation grants is under consideration and will be intimated seperately.

****

X.D.
5/6.

L E T T E R.

To: The Collector of Poona / Ahmedabad / Nasik /
Ahmednagar / East Khandesh / West Khandesh /
Kolhapur / Baroda / Bombay Suburban District.

The Administrator, Ulhasanagar Township
The Administrator, Sardarnagar
The Chairman, Executive Committee for the Welfare
of Displaced Women, Bombay.

All Officers- in - charge Displaced Persons
Colonies.

No. HS 3953/46682 - B

Secretariat(Annexe), Fort.
Bombay (1), 13th January '54

Subject:- Rent and outstanding dues from priority categories of displaced persons from West Pakistan.

Reference Government Endorsement, Rehabilitation Department, of even number dated the 3rd December 1953, on the above subject.

It has been observed that since the announcement of the Interim Compensation Scheme by the Government of India there is some misunderstanding amongst the displaced persons occupying Government accomodation and they have stopped paying rent or unwilling to pay rents from the 1st November 1953. The Government of India, Ministry of Rehabilitation have appointed the Regional Settlement Commissioners and Settlement officers for collecting the information regarding outstanding dues of each applicant and they are checking up the assessed value of claim in every case. The concessions admissible under the Interim Compensation Scheme will be given to the displaced persons after scrutiny of the Circumstances of each case and the Regional Settlement Commissioner will intimate to the appropriate authorities of the State Government and the Custodians the names of persons from whom recovery of rent and other dues is to be discontinued from the 1st November 1953. Pending receipt of these instructions the displaced persons should pay the rents ad other Government dues regularly till they are informed to stop payment of rent and other Government dues.

The correct position in this respect may be explained to the displaced persons occupying Government accomodation within your jurisdiction and they may be advised that the priority categories of displaced persons having verified claims must continue to pay rent in reppect of accommodation occupied by them till they are asked to stop payment of rent. The concessions are not applicable to displaced persons whoare not included in the priority categories prescribed under the Interim Compensation Scheme and such displaced persons should pay rent and convenience charges regualarly . The displaced personsshould be informed that failure to pay rent particularly by those who do not come under priority categories will render themselves liable for action under the Bombay Displaced Persons Premises Control and Regulation Act, 1952.

(N.M.JANI).

Assistant Secretary to the Government of Bombay,

Rehabilitation Department.

Copy of a letter No. F. 9(15) SB / 54, dated the 25th May 1954 from the Government of India, Ministry of Rehabilitation, New Delhi.

.....

Subject:— Rent and outstanding dues from priority categories of displaced persons from West Pakistan.

"I am directed to refer to this Ministry's marginally noted letters regarding payment of Interim Compensation to priority categories of displaced persons and recovery of arrears of rent and other outstanding dues from them. It has been brought to the notice of the Government of India that there are cases in which the displaced persons in whose favour allotments of tenements have been made have no verified claims in their own name. It has been represented that such displaced persons should not be pressed for recovery of arrears of rent if their relatives or friends who have verified claims agree to have the arrears adjusted against the compensation payable to them.

1. No. F - 9(22) SB /53, dated the 18th November, 1953.
2. -do- -do-

2. The matter has been carefully considered and it has been decided that in the case of non-claimant the arrears of rent payable by him may be adjusted against the compensation payable to a priority claimant who has already filed his compensation application if both the parties concerned are agreeable to the arrangement and give an undertaking in writing to this effect. It should please be noted that the person who undertakes to have the arrears adjusted against his claim must satisfy the following conditions:-

(i) that he is a priority claimant and

(ii) has already filed his compensation application and received a receipt for the same by the Settlement Officer concerned.

3. In such cases the tenement may be formally allotted to the priority claimant concerned but the present occupant may be permitted to stay on. The question of transfer of ownership to the claimant will be takenup in due course when his compensation application is processed.

4. An acknowledgement is requested."

.....

No. HS5254 / 20533 - B
Rehabilitation Department
Secretariat (Annexe), Fort,
Bombay (1), 7th June 1954.

Forwarded withcompliments to:-

1) The Custodian of Evacuee Property, Bombay.

ii) All Collectors,

iii) The Deputy Custodian of Evacuee Property, Bombay,

iv) The Administrator, Ulhasnagar Township/ Sardarnagar Township,

v) The Chairman, Executive Committee for the Welfare of displaced persWomen, Bombay,

vi) Officers in charge of all the Displaced Persons Colonies and Townships.

X.D.
1/6.

for information and guidance in continuation of Government Endorsement, Rehabilitation Department, No. SD HB3953/48682-B, dated the 3rd December 1953.

All the officers concerned are requested that the non claimant displaced persons in whose favour allotment of tenement have been made should not be pressed for recovery of Schedule arrears of rent if any due from them if their relatives or friends who have verified claims agree to have the arrears adjusted against the compensation payable to them. It should please be noted that the above concessions is admissible only if both the parties concerned are agreeable to the arrangements give an undertaking in writing to this effect and the person who undertakes to have the arrears adjusted against his claim, satisfied the conditions laid down in Para 2 of the Go Government of India, Ministry of Rehabilitation letter No. F-9(15) SB/54, dated the 25th May 1954. In such cases the tenement may be formally allotted to the priority claimant concerned but the present occupant may be permitted to stay on

By order and in the name of the Governor of Bombay,

(J. C. FERNANDEZ).

Under Secretary to the Government of Bombay,

Rehabilitation Department.

K.D.
1/6.